

Minutes of the Malvern City Council

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Held in the City Hall Courtroom

Monday, May 11, 2015

The Malvern City Council met for its regular monthly meeting on Monday, May 11, 2015 at 7:00 p.m. in the City Hall Courtroom. Mayor Brenda J. Weldon opened the meeting and introduced Bro. Aaron Sexton, Youth Pastor at First Baptist Church who led the invocation and pledge of allegiance. Present for the meeting were Council members Mary Fraction, William Wilson, Lynn David, J. Wayne Reynolds, Peggy Lusinger, Larry Stiles and David Cross with Robin Halbert absent. Also present were City Clerk/Treasurer Phyllis Dial and City Attorney Cecilia Ashcraft. Mayor Weldon declared a quorum present.

A motion was made by Fraction, seconded by Reynolds to adopt the minutes of the previous regular meeting held on April 13, 2015. Voting for the motion were Aldermen Fraction, Wilson, Davis, Reynolds, Lusinger, Stiles, and Cross with Halbert absent. All present voting for motion carried.

Departmental reports were presented for approval. A motion was made by Fraction, seconded by Lusinger to accept departmental reports as mailed. Voting for the motion were Aldermen Fraction, Wilson, Davis, Reynolds, Lusinger, Stiles, and Cross with Halbert absent. All present voting for motion carried.

Under old business, Alderman Stiles introduced for its second reading by title only the animal control ordinance. The clerk read the ordinance for its second reading by title only. The ordinance will be heard for the third reading at the June City Council meeting.

Under new business, Alderman Stiles introduced an ordinance abolishing the Parks Commission. The clerk read the ordinance for its first reading. A motion was made by Stiles, seconded by Lusinger to suspend the rules and place the ordinance on its second reading by title only. Voting for the motion were Aldermen Fraction, Wilson, Davis, Reynolds, Lusinger, Stiles, and Cross with Halbert absent. All present voting for motion carried and the clerk read the ordinance for its second reading by title only. A motion was made by Lusinger, seconded by Stiles to suspend the rules and place the ordinance on its third and final reading by title only. Voting for the motion were Aldermen Fraction, Wilson, Davis, Reynolds, Lusinger, Stiles, and Cross with Halbert absent. All present voting for motion carried and the clerk read the ordinance for its third and final reading by title only. A motion was made by Stiles, seconded by Lusinger to adopt the ordinance. Voting for the motion were Aldermen Fraction, Wilson, Davis, Lusinger, Stiles, and Cross with Reynolds voting "no", and Halbert absent. The motion carried by a vote of six "ayes" and one "no", and the ordinance was declared adopted and assigned No. 2015-06. Mayor Weldon noted that the chairman of the parks commission is in agreement with the abolishing of the commission and setting up a Parks Committee.

ORDINANCE NO. 2015-06

AN ORDINANCE ABOLISHING ORDINANCE NO. 483, AND THE MALVERN PARKS COMMISSION

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Alderman Fraction introduced a resolution establishing a policy for mileage reimbursement for city employees and officials who use their personal vehicles for city business. The Clerk read the resolution. A motion was made by Reynolds, seconded by Stiles to adopt the resolution. Voting for the motion were Aldermen Fraction, Wilson, Davis, Reynolds, Lusinger, Stiles, and Cross with Halbert absent. All present voting for motion carried and the resolution was declared adopted and assigned No. 08-2015.

RESOLUTION NO. 08-2015

A RESOLUTION ESTABLISHING A POLICY FOR MILEAGE REIMBURSEMENT

Council Member Reynolds introduced an ordinance amending the Ordinance No. 2014-02 and the 2014 budget. The clerk read the ordinance for its first reading. A motion was made by Reynolds, seconded by Fraction to suspend the rules and place the ordinance on its second reading by title only. Voting for the motion were Aldermen Fraction, Wilson, Davis, Reynolds, Lusinger, Stiles, and Cross with Halbert absent. All present voting for motion carried, and the ordinance was read for the second time by title only. A motion was made by Reynolds, seconded by Stiles to suspend the rules and place the ordinance on its third and final reading by title only. Voting for the motion were Aldermen Fraction, Wilson, Davis, Reynolds, Lusinger, Stiles, and Cross with Halbert absent. All present voting for motion carried and the clerk read the ordinance for the third reading by title only. A motion was made by Stiles, seconded by Fraction, to adopt the ordinance. Voting for the motion were Aldermen Fraction, Wilson, Davis, Reynolds, Lusinger, Stiles, and Cross with Halbert absent. All present voting for motion carried and the ordinance was declared adopted and assigned No. 2015-07.

ORDINANCE NO. 2015-07

AN ORDINANCE AMENDING ORDINANCE NO. 2015-02 AND THE BUDGET FOR THE CITY OF MALVERN FOR THE YEAR 2014, DECLARING AN EMERGENCY

A motion was made by Council Member Fraction, seconded by Alderman Reynolds to accept the 2014 Audit of the Malvern Water Works as presented at the finance committee meeting held on May 6, 2015. Voting for the motion were Aldermen Fraction, Wilson, Davis, Reynolds, Lusinger, Stiles, and Cross with Halbert absent. All present voting for motion carried.

A motion was made by Council Member Lusinger, seconded by Reynolds to approve the selection of Turner, Rodgers, Manning and Plyler, PLLC to perform the water and sewer department 2015 audit. Voting

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for the motion were Aldermen Fraction, Wilson, Davis, Reynolds, Lusinger, Stiles, and Cross with Halbert absent. All present voting for motion carried.

Mayor Weldon presented a bid summary for the purchase of an excavator for use by the Malvern Street Department, along with a letter from Street Superintendent Michael Smith requesting that the City be allowed to purchase the new excavator as bid by JCB over the low bid submitted for a used model. Smith told the council that the low bid was a 2012 model with a limited warranty for \$70,200 and the new machine that he was recommending was a 2015 model with a full two year warranty for \$78,260.08. Alderman Stiles asked if the Street Department has the capability to perform preventive maintenance on the machine, and Smith said that they do. A motion was made by Fraction, seconded by Reynolds to accept the bid from JCB of Arkansas for the purchase of a new JCB 852-1 Excavator in the amount of \$78,260.08 plus tax. Voting for the motion were Aldermen Fraction, Wilson, Davis, Reynolds, Lusinger, Stiles, and Cross with Halbert absent. All present voting for motion carried.

Council Member Fraction introduced a resolution certifying the amount of a clean-up lien against the property located at 511 W. Fifth Street. The clerk read the resolution. A motion was made by Stiles, seconded by Fraction to adopt the resolution. Voting for the motion were Aldermen Fraction, Wilson, Davis, Reynolds, Lusinger, Stiles, and Cross with Halbert absent. All present voting for motion carried and the resolution was declared adopted and assigned No. 09-2015.

RESOLUTION NO. 09-2015

A RESOLUTION CERTIFYING THE AMOUNT OF A CLEAN UP LIEN TO BE FILED WITH THE HOT SPRING COUNTY TAX COLLECTOR AGAINST CERTAIN REAL PROPERTY LOCATED AT 511 WEST FIFTH STREET IN THE CITY OF MALVERN, ARKANSAS; AND FOR OTHER PURPOSES

Council Member Fraction introduced a resolution certifying the amount of a clean-up lien against the property located at 405 W. First Street. The city attorney read the resolution. A motion was made by Fraction, seconded by Lusinger to adopt the resolution. Voting for the motion were Aldermen Fraction, Wilson, Davis, Reynolds, Lusinger, Stiles, and Cross with Halbert absent. All present voting for motion carried and the resolution was declared adopted and assigned No. 10-2015.

RESOLUTION NO. 10-2015

A RESOLUTION CERTIFYING THE AMOUNT OF A CLEAN UP LIEN TO BE FILED WITH THE HOT SPRING COUNTY TAX COLLECTOR AGAINST CERTAIN REAL PROPERTY LOCATED AT 405 WEST FIRST STREET IN THE CITY OF MALVERN, ARKANSAS; AND FOR OTHER PURPOSES

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Under Mayor Reports, Mayor Weldon told the Council that she has been talking with the Highway Department and had written a letter requesting a study for a traffic signal at the entrance to Fred's off of North Main Street.

Mayor Weldon stated that she had called Mr. Cobler about the property located on Sulphur Springs Road. She said he is out of town right now and she will meet with him when he gets back.

Mayor Weldon stated that there are some problems with water damage at the animal shelter. She said that it looks like there might be some leaks in the wall. The Budget Committee will be meeting on Wednesday, and this is one of the things that she would like them to discuss. Also, the city's insurance carrier has been contacted and should be sending someone to look at the property.

Mayor Weldon stated that she is currently researching the membership of the Board of Zoning Adjustment and Planning Commission and those two committees will be the next ones she brings before the Council.

She stated that the City has had a few people interested in the property located at 1030 McHenry and she would like the Council's input on how they wish for her to proceed. At the recommendation of the Council, the property will be advertised in the newspaper for a period of 30 days and sealed bids will be taken for the sale of the property.

Mayor Weldon recognized Ashley Parker-Graves, Hot Spring County Librarian who presented the 2014 Library Report. She stated that this is part of a requirement to receive state funding each year, and since we have an inter-governmental agreement between Malvern and Hot Spring County, she likes to present the report to the City Council as well as the Quorum Court. Her report (attached to the minutes) noted the services provided by the library to the community and outlined their programs available, and services offered.

There being no further business, and upon a motion by Stiles, seconded by Fraction, Mayor Weldon declared the meeting adjourned.



Brenda J. Weldon, Mayor



Phyllis Dial, City Clerk/Treasurer